

CHESAPEAKE BAY and WATER RESOURCES POLICY COMMITTEE
777 North Capitol Street, N.E.
Washington, D.C. 20002

MINUTES OF MARCH 19, 2010, MEETING

ATTENDANCE:

Members and alternates:

Chair Cathy Drzyzgula, City of Gaithersburg
Vice Chair Hamid Karimi, District of Columbia
Vice Chair Barbara Favola, Arlington County
Bruce Williams, Takoma Park
Penelope Gross, Fairfax County
Marty Nohe, Prince William County
J Davis, City of Greenbelt
Andy Fellows, College Park
Mark Charles, City of Rockville
Glen Rubis, Loudoun County
Tim Goodfellow, Frederick County
Beverly Warfield, Prince George's County
Mohsin Siddique, District of Columbia WASA
J. L. Hearn, WSSC

Staff:

Stuart Freudberg, DEP
Ted Graham, DEP
Steve Bieber, DEP
Heidi Bonnaffon, DEP
Karl Berger, DEP

Visitors:

Mike Burke, Sen. Cardin's office
Maureen McGowan, DC-WASA
Glynn Rountree, National Association of Home Builders
Eric Eckl, Water Words that Work
Bill Dickinson, Environmental Policy Network
Mike Nardolilli, Northern Virginia Conservation Trust
Pat O'Brien, East Bay Regional Park District
Bonnie Bick, Smarter Growth Alliance for Charles County
Patricia Atkins, George Washington Institute of Public Policy

1. Introductions and Announcements

Chair Drzyzgula called the meeting to order at approximately 10:05 a.m. To allow time for more members to arrive for agenda item 3, she decided to address the tour issue from agenda item 7 ahead of schedule. (The results of this discussion are noted under agenda item 7.)

2. Approval of Meeting Summary for Jan. 15, 2010

The members approved the draft summary.

3. Discussion of Cardin Bill

Mr. Burke, an aide to Sen. Ben Cardin (D-MD), discussed changes that have been made to the language of the Chesapeake Clean water and Ecosystem Restoration Act since its introduction in October 2009. He said the senator and his staff have had a number of discussions with stakeholders and have made an effort to address their concerns about the original language.

Mr. Burke said one of the concerns expressed by members of the Bay Program's Local Government Advisory Committee as well as by COG members was that the amount of money the bill proposes to authorize for local governments stormwater control efforts, \$1.5 billion, will not be enough to meet what they will have to do under the TMDL. Although he acknowledged the validity of this concern, Mr. Burke said, the bill must operate in a fiscal climate of restraint. He said the Office of Management and Budget has expressed concern with this amount and he suggested that asking for more money would make it much more difficult to pass the legislation.

Discussion: Ms. Favola asked if the urban stormwater grant program was designed to support an overall level of maintenance throughout the watershed, which would imply that jurisdictions that have already done a lot to control stormwater impacts may have less access to the money than those who have done less. Mr. Burke said the bill is currently silent on that issue, but it would be up to EPA to issue regulations determining how the grants would be awarded. He also noted that the bill would require that local governments have a plan in place for meeting their TMDL requirements before they can receive grant money. He added that the grant program would require a local match, but that the federal grant could cover as much as 75 percent of the cost of projects.

Ms. Gross expressed concern that in the administration of such a grant program local governments may be at a disadvantage if their states are not being responsive. In response, Mr. Burke said the program is intended to be administered at the federal level and could grant funds directly to local governments without state involvement.

Chair Drzyzgula said one of COG's concerns with the bill is that it might decrease EPA's flexibility in administering the TMDL. In response, Mr. Burke pointed to new language that incorporates the TMDL allocations that EPA is expected to establish by December 2010 as the TMDL numbers in the bill and also allows for these targets to change if EPA adopts new numbers.

Mr. Karimi expressed concern that the cost of addressing nutrient, sediment and other pollutants in urban runoff tends to be more costly on a cost-per-pound basis than it is in other sectors.

Mr. Charles noted that local governments need several years to update ordinances and take other actions that might be needed to meet TMDL requirements and said it is not clear that such time will be available under the current framework for the TMDLs. Mr. Burke acknowledged that the bill is silent on that issue.

Chair Drzyzgula noted that COG has asked for language in the bill that would require EPA to conduct some kind of assessment of financial feasibility of meeting the TMDL. Mr. Burke noted that the option of conducting a "Use Attainability Analysis, which looks at the financial impact of attaining water quality standards, is built into the Clean Water Act and will continue to be an option regardless of whether this bill passes or not.

Mr. Fellows asked if the trading component of the bill has helped garner support for it among the agricultural community. Mr. Burke said he hopes it will, but he acknowledged that groups such as the Farm Bureau remain opposed to the bill. He said they are unhappy with the legislation because they do not want to be responsible for nutrient and sediment reductions, something, he said, the bill requires of agriculture, although not necessarily through permits.

Mr. Burke said he would provide COG with a copy of the new discussion draft. He encouraged COG to register

any further comments it might have soon as the bill is in final round of vetting. He concluded his presentation by asking for COG's support for the bill.

4. **Discussion of Federal Land Conservation Legislation**

Ms. Bonnaffon of COG staff briefly reviewed the water quality benefits of preserving natural resource lands, which include groundwater recharge, lessened stormflow and habitat preservation.

She then introduced Mr. Dickinson, former head of the Northern Virginia Parks Authority, who now serves as an environmental consultant and who has been one of the major supporters of new legislation sponsored by Rep. James Moran (D-Va). Mr. Dickinson discussed the history of land conservation efforts in the region, described the basic features of the legislation and noted which groups and local governments have endorsed it.

Mr. Dickinson said the bill is actually intended as a revitalization of an existing statute, the Capper-Cramton Act, which was originally passed in the 1930s. Under that act, he said, local governments in Maryland and the National Capital Planning Commission in the District, used federal money to help purchase much of the region's parkland, including Rock Creek Park and land adjoining the George Washington Memorial Parkway. Later, in the 1960s, local governments in Virginia used funds from the act as well. The current bill, known as the , "National Capital Region Land Conservation Act of 2009" would authorize up to \$50 million a year for five years in federal funds that could be matched by local, regional and state governments to purchase a variety of lands. These include lands of environmental and historical significance, he said. The funds would be subject to a local match of at least 50 percent and could be spent anywhere within the Washington metropolitan statistical area as defined by the federal government. The U. S. Department of the Interior's National Park Service would administer the funds.

Mr. Dickinson said passage of the bill would provide benefits to the Chesapeake Bay restoration effort and to the land preservation goals of Greater Washington 2050. He noted a number of local governments and organizations in the region have endorsed it, including the Washington Board of Trade.

Discussion: A number of committee members, including Ms. David and Ms. Favola, spoke in favor of supporting the legislation. Mr. Fellows asked if the bill had encountered any organized opposition, which Mr. Dickinson said, it hadn't.

Action: The committee agreed to make a recommendation to the COG Board that it take action to endorse this legislation.

5. **Update on Community Engagement Campaign**

Mr. Bieber noted that COG is coordinating a community engagement campaign with area drinking water utilities and local governments. The campaign is designed to educate the public about key issues, such as the importance of maintaining infrastructure. He then introduced Eric Eckl, a consultant with Water Word that Work, which is assisting COG with the project.

Mr. Eckl explained the genesis of the campaign, which plans to use Internet bloggers to educate the public about these issues and to direct them to campaign or member web sites with more information. He said previous work in this area showed that it was much more cost efficient to deliver messages via the web than it was through traditional media, such as radio. In an earlier related campaign, the sponsors drove traffic to their web site through Internet advertising. However, they also found out that the traffic decreased when the advertising stopped. He said the new approach is to pay bloggers to write about these issues and link to the sites.

Discussion: The members expressed concern about how to control what such bloggers may write. Ms. Davis, noting that use of social media was discussed at the COG Board retreat, said COG needs to be very careful of

what is put out there under its sponsorship. Mr. Eckl noted that their contracts include guidance regarding appropriate content and said the blogs will be monitored on a regular basis. Mr. Freudberg noted that the blogger contracts would be issued by COG and closely monitored by staff. Mr. Bieber noted that the current approach will consist of a six-month pilot beginning in May. The campaign members will evaluate results after six months and decide whether to continue.

The members also expressed enthusiasm for the campaign's embrace of new forms of media. Mr. Nohe said the Internet is the new status quo. Ms. Favola said she was very impressed with the thinking behind the pilot.

6. Report on Bay Program Developments

Mr. Graham briefly reviewed the current schedule for the development of the Bay-wide series of TMDLs and the accompanying state-developed watershed implementation plans (WIPs). He noted the complex nature of the process, which will involve separate TMDLs for various segments of the Bay and its tidal tributaries, each of which will have a pollution budget, or allocations for nitrogen, phosphorus and sediment. The TMDL is scheduled to be issued by EPA by Dec. 31, 2010. Mr. Graham noted several opportunities for COG comment on this process, including in July, when preliminary WIPs are due to be issued by the states, and again in September, when EPA is set to issue a draft TMDL for a 60-day public comment period. Finally, he noted the current schedule for producing Phase II WIPs, which are expected to detail actions at a much finer focus, potentially including local governments and soil conservation districts. These plans are due by Nov. 1, 2011, in time to be incorporated into the second set of state milestones for progress to be achieved over a two-year period, which are due in January 2012.

7. Old Business

- State legislative summary – Mr. Berger of COG staff distributed a handout depicting the status of various bills in the general assemblies of Maryland and Virginia. He noted that the Maryland status is still provisional, as that state's legislature is still in session.

Ms. Davis noted that it was not just developers who were concerned about the impact of the state's new stormwater management regulations, which was the subject of a number of bills. She said the Maryland Municipal League also raised concerns, which have been addressed in the compromise emergency regulations that have been proposed in lieu of the legislation.

The members also asked about the status of bag trash legislation and asked the District's experience to date with the trash fee legislation it approved last year. Mr. Karimi said things are going well.

- Greater Washington 2050 Compact – Mr. Freudberg reported that three members, Greenbelt, Arlington County and the City of Frederick, had signed the compact to date and a number of others are expected to sign it in the next few weeks.
- Committee tour – This was actually discussed earlier in the meeting. Karl Berger of COG staff noted that the results of the survey of member preferences for a tour location favored either trash-related sites in the Anacostia watershed or green roof installations in the District of Columbia. After some discussion, the committee agreed to the green roof option. Mr. Karimi said staff from the District's Department of the Environment would help COG staff make arrangements for the tour.

8. New Business

Mr. Freudberg noted that COG is considering an opportunity to apply for a grant under the HUD Sustainable Grant Program. The grant would involve a number of departments at COG and address a number of different

issues. In the environmental area, receipt of such a grant would provide an opportunity to help implement some of the goals of the Greater Washington 2050 Compact, particularly those that deal with land preservation and the preservation of sentinel watersheds.

9. Adjourn

The meeting was adjourned at approximately 12:10 p.m.